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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,000	06/26/2003	Steven Reynolds	2050.123US1	8368
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SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV			EXAMINER	
P.O. BOX 2938			INGVOLDSTAD, BENNETT	
MINNEAPOLIS, MN 55402-0938				
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,000

Applicant(s)

REYNOLDS ET AL.

Examiner

Bennett Ingvaldstad

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 January 2009 has been entered.

Response to Arguments

Applicant's arguments filed 26 January 2009 have been fully considered.

Applicant argues against the Cheok reference, claiming that Cheok does not meet the limitations requiring a plurality of different manners of image combinations. Remarks at 13, 14. However, in addition to the previously cited portions, Cheok teaches that a combined scene is context dependent, and different information is shown based on the context. Column 3, lines 44-46. Therefore it is clear that Cheok defines a plurality of different manners of combining information based on context.

Applicant further argues against the Shahine reference, distinguishing Shahine's algorithmic method of combining information based on priorities from Applicant's method of providing a limited number of different manners of combining and selecting one. Remarks at 14, 15. While the examiner appreciates the distinction between the

above-described methods, the examiner finds no basis in the claims for a restriction to a limited number of different manners of combining, so the distinction does not apply to the claims under examination. While the claims require a selection of the manner of combining, this is met by Cheok's selection of a manner of combining based on context (col. 3, l. 44-46) in combination with Shahine's selection of a manner of combining based on priority (col. 2, l. 40-65).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-31, 33, and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 12, 20, and 27 require a presentation description "that define[s] a plurality of different manners in which a portion of said first image and a portion of said second image may be combined." With reference to Figure 4, the specification describes that separate portions of a first image (eg, portions 406, 408, 410, and 412 of image 404) may be combined with a portion of the second image (402) in a single way, thus producing combined images 416, 418, 420, and 422. However, the above claim language

indicates that a single portion of the first image and a single portion of the second image can be combined in different manners. The specification does not describe that the two portions of the two images can be combined in different ways, but rather that separate portions of two images may be combined in a single way per combination. See also specification pg. 16, l. 12-14: 10 images create 10 factorial combinations, indicating that each image may be combined with each other image in a single way. Therefore the claims contain new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheok (US 6934906) in view of Shahine (US 7082576).

Claim 1: Cheok discloses a method of producing a video signal from a system for outputting video programming to at least one viewer, said method comprising:

receiving a first video signal at said system (401 [Fig 4]);

processing said first video signal to produce a first image stored in memory of said system (402 [Fig 4], information may be an image [col. 3, l. 56]), said first image

not intended to be displayed independently (object is combined into a scene 405 [Fig 4]);

receiving a second video signal at said set top box (403 [Fig 4]);

processing said second video signal to produce a second image stored in said memory of said system, said second image not intended to be displayed independently (404 [Fig 4]);

receiving a presentation description in said system (Fig. 2: scene description info 225 and integration instructions 222), said presentation description comprising a set of instructions that define a plurality of different manners in which a portion of said first image and a portion of said second image are combined (scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38] for creating scene 250 or 556. The images may be overlaid on each other as in scene 556, thus only portions of the images are displayed. The manner of combination is context dependent [col. 3, l. 44-46], thus a plurality of manners are defined based on context);

selecting a selected manner in which the images are combined from at least one of a plurality of different manners of image combinations (based on context [col. 3, l. 44-46]), and the presentation description instructions also defining a sequence of operations performed over time (e.g. moving objects [col. 3, l. 61-67]);

combining said portion of said first image with said portion of second image in accordance with said selected manner in which the images are combined of said presentation description to produce a combined image (e.g. scenes 250 or 556); and

outputting said combined image as said video signal as part of said video programming to said at least one viewer (scene 250 on display device [Fig 2]).

Cheok does not further explicitly teach that the selected manner is chosen based on user preference information in the system.

Shahine teaches a device for composing a displayed scene using a presentation description to arrange data objects (Abstract), wherein the arranged objects include images (col. 13, l. 20-29), in a plurality of manners based on a priority associated with the object (Abstract), wherein the priority is determined based on user preference information stored in the device (col. 8, l. 21-35).

It would have been obvious to have modified Cheok's presentation descriptions for arranging image objects with Shahine's teaching of a dynamic arrangement of objects based on preference information, thus providing for a plurality of manners of combining images into an integrated scene based on user preference information, for the purpose of displaying the most important objects to the user (Shahine col. 2, l. 40-65).

Claim 2: Cheok further discloses applying a mask that defines said portion of said first image (overlaying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claims 3 and 4 are rejected over Cheok's logical/mathematical combination of the decoded AV media objects 541 into a composite scene 556 [Fig 5].

Claim 5: Cheok further discloses scaling said portion of said first image (media objects' size can be adjusted [col. 3, l. 5-10]).

Claim 6 is rejected in view of the claim 5 rejection construing "scaling" as a type of "warping".

Claim 7: Cheok further discloses fetching accessing said presentation description across a network [col. 5, l. 38-50].

Claim 8: Cheok further discloses:
receiving a network address at which said presentation description can be accessed (downloading from a network [col. 3, l. 3-6] implies receiving an address);
fetching said presentation description from said network address [col. 3, l. 3-6].

Claim 9: Cheok further discloses selecting said presentation description from a plurality of presentation descriptions contained in said first video signal (different information is shown depending on context [col. 3, l. 43-67]).

Claim 10: further discloses modifying said presentation description in response to input from said at least one viewer [col. 3, l. 43-67].

Claim 11: Cheok further discloses:

processing said first video signal to produce first audio data stored in said memory of said system (media objects may be audio objects [col. 10, l. 27-30]);

processing said second video signal to produce second audio data stored in said memory of said set top box [col. 10, l. 27-30];

accessing said presentation description that describes the manner in which said first audio data and said second audio data are combined (scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]); and

combining said first audio data and said second audio data in accordance with said presentation description (combining to form composite audiovisual scene 550 [Fig 5]).

The method of claim 12 is met by Cheok in view of Shahine as discussed above, Cheok's media objects further comprising videos or animation (col. 4, l. 50, 51) and thus comprising sequences of images as claimed.

Claim 13: Cheok further discloses applying a mask specified in said presentation description that defines said portion of said first sequence of images (overlying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claim 14: Cheok further discloses executing program code that modifies said mask to select a different portion of at least one image of said first sequence of images (modifying the scene [col. 3, l. 44-67]).

Claims 15 -19 are rejected as indicated in the rejections of claims 3-6 and 10, respectively.

The method of claim 20 is met by Cheok in view of Shahine as discussed above, Cheok and Shahine further disclosing a transmitter for transmitting the first and second digital video signals with the image combination code and the presentation description (the receiver method of Cheok's Fig. 4 implies a transmitter; see also Cheok's scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]).

Claim 21: Cheok further discloses transmitting a network address that said set top box employs to access said presentation description [col. 3, l. 3-6].

Claim 22: Cheok further discloses transmitting said presentation description to said set top box as a part of said first digital video signal (540 and 541 are both received from network [Fig 5]).

Claim 23: Cheek further discloses selecting said presentation description from a plurality of presentation descriptions wherein said presentation description conforms to the requirements of said set top box [col. 3, l. 43-67].

Claim 24: Cheek further discloses altering a general presentation description to conform to the requirements of said set top box (adapting and preprocessing decoder and integration instructions for executing by a processor [col. 5, l. 1-10]).

Claim 25: Cheek further discloses tailoring a general presentation description to correspond to a viewer preference [col. 3, l. 44-67].

Claim 26: Cheek further discloses transmitting a plurality of presentation descriptions to said set top box from which said set top box selects one presentation description that conforms to the requirements of said set top box (selection based on context [col. 3, l. 44-67]).

The system of claim 27 is met by Chuck in view of Shahine as discussed above, Cheek's receiver system for embodying the above methods comprising a processor (210 [Fig 2]); a memory, said memory coupled to said processor (220 [Fig 2]); a tuner/decoder (network interface 250 [Fig 2]); a video controller (composition renderer - Fig 5) a program code (instructions 221 and 222 [Fig 2] for composing the scene [col. 9, l. 7-9]); and a video output unit (display device 230 [Fig 2]).

Claim 28: Cheok further discloses a network interface that accesses a remote server to obtain said presentation description (250 [Fig 2], for downloading scene description [col. 3, l. 3-6]).

Claim 29: Cheok further discloses wherein said decoder further produces first audio data in said memory from said first video information and produces second audio data in said memory from said second video information (first and second media objects may be audio objects [col. 10, l. 27-30]).

Claim 30: Cheok further discloses wherein said presentation description further specifies the manner in which said first audio data is combined with said second audio data (scene description information 225 and integration instructions 222 specify how media objects are combined [col. 4, l. 56 – col. 5, l. 38]).

Claim 31: Cheok further discloses a user interface that receives an input from said at least one viewer that modifies said presentation description [col. 3, l. 44-67].

Claim 33: Cheok further discloses a software routine that controls said decoder to perform at least part of the combination of said portion of said first video image and said portion of said second video image in a manner specified by said presentation description (decoder/integration instructions 221 and 222 [Fig 2]).

Claim 34: Cheok further discloses a software routine that selects said presentation from a plurality of presentation descriptions contained in said first video signal [col. 3, l. 44-67].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Bennett Ingvaldstad/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427